

Appl. No. 09/914,493
Atty. Docket No. CM2054
Amdt. dated 12/3/2003
Reply to Office Action of 9/11/03
Customer No. 27752

REMARKS

Claims 11-19 are in the case. Claim 11 has been amended to correct the transcribing error ("tablet"). Claim 11 has been further amended to recite that the detergent compositions employed in the claimed process are non-phosphorus (basis at page 22, l. 30) and zeolite-built (page 22, l. 1-14). It is submitted that these amendment add no new matter, and entry is requested.

Objections to the Specification

The Abstract has been amended to meet the requirements of MPEP §608.01(b) and to more clearly reflect the subject matter, as now claimed.

The publication dates of the copending foreign application cited at page 5, line 22, have been inserted. The paragraph at page 30 has been amended to delete non-essential matter. It is submitted that all cited documents are now properly referenced.

In light of the foregoing, withdrawal of all objections to the Specification is requested.

Objections to the Claims

It is submitted that the correction noted above ("tablet") meets this objection. Withdrawal of the rejection is requested.

Rejections Under 35 USC 103

All claims stand rejected over U.S. 5,759,976, for reasons of record at pages 3-4 of the Office Action.

Applicants respectfully traverse all rejections, to the extent they may apply to the claims as amended herewith.

It is noted that '976 relates to problems associated with the formulation of phosphate-built tableted detergents which contain high levels of caustics. (Col. 2, l. 15-16) Patentees have assertedly determined that the formation of tablets containing high levels of caustic can be problematic, due to the exothermic reaction of the caustic with the free water in the system, which can reduce the mechanical strength of the tablets. (Col. 2, l. 4-9) As disclosed in '976, the free water is assertedly necessary for tableting to occur at reasonable pressures. (Col. 2, l. 4-5)

It is theorized in '976 that hydration of the caustic can cause the hydrated phosphate (STPP.6H₂O) to liberate water, most likely with phosphate decomposition, which generates more heat, thereby further weakening the tablet. (Col. 5, l. 26-37) In order to circumvent this problem.

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of the caustic/phosphate/water exothermic reactions, '976 teaches a requisite order of addition or cooling to achieve temperature control in the overall process.

Accordingly, '976 rather thoroughly discusses the deleterious hydration/caustic/exotherm/decomposition effects which can occur when phosphate-built, high caustic tablets are being manufactured. However, nothing in '976 teaches or suggests that the deleterious effects described therein would be problematic during the manufacture of non-phosphate tablets. Indeed, the Office Action has not suggested that Applicants herein were facing anything like the same problems that were being addressed in '976.

In sharp contrast to '976, the present invention relates to non-phosphate tablets, and the problem being addressed is that of "facilitated dissolution" of the tablets. (P. 8, l. 22) This facilitated dissolution results in improved dispensing (less residue left in the dispenser), as demonstrated by the comparative tests reported at page 38.


In short, Applicants herein were addressing neither the same problems, nor in the same systems, that were addressed in '976. Accordingly, it is submitted that the solution to Applicants' problem cannot be rendered obvious over '976, either in law or in logic. The mere fact that Applicants could have elected to employ processing temperature control to solve their problem is not indicative of what one of skill in the art would have done, in the sense of §103. It is settled law that the question of obviousness under §103 is not what the artisan could have done, but would have been obvious for the person to do. *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986). Accordingly, reconsideration and withdrawal of the rejections on this basis are requested.

In light of the amendments and remarks presented herein, early and favorable action is requested.

Respectfully submitted,

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